

in Tier 2 means that they will not qualify for the same benefits and positions available to traditional high school students.

I am aware that a 5-year pilot project was initiated in 1998 that allowed home-schoolers greater access to the Armed Services by considering them as Tier 1 applicants. While the project was extended an additional year, it expired without further extension on September 30, 2004. In January of this year, the DoD appeared to make an effort to remove remaining obstacles to home-schoolers entering the military. However, the memo that was issued contained conflicting language, and ultimately, the classification of home school students as Tier 2 applicants remains on the books, perpetuating the military's policy of discrimination.

While the Army has recently found a way to get around the Tier 2 categorization, the other branches of the military are still excluding home school students from priority consideration. It doesn't matter how qualified and motivated a home school student may be, it is highly unlikely that he or she will be able to serve their country in the Marines, Navy or Air Force.

Mr. Speaker, I raise this disturbing situation to the House today to highlight the lack of fairness and equality within our military with respect to home school students. While I will not be offering an amendment today, it is my intention to introduce a bill soon to address this problem. I sincerely hope that with the Armed Services Chairman's support, we will be able to find a resolution to this issue that will enable all qualified students to live out their dream of serving their country in the U.S. Armed Services.

#### PERSONAL EXPLANATION

#### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2005*

Mr. SHAYS. Mr. Speaker, on May 23, I was participating in the World Economic Forum in Amman, Jordan and, therefore, missed three recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "yes" on recorded vote number 200, "yes" on recorded vote number 201, and "yes" on recorded vote number 202.

#### SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM ACT OF 2005

#### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2005*

Mr. RUSH. Mr. Speaker, I rise today to introduce the "Small Business Intermediary Lending Pilot Program Act of 2005" (SBILPP). This bill would establish a pilot program to provide low interest loans to nonprofit, community-based lending intermediaries. The program would also provide midsize loans for small businesses.

Small businesses and startups continue to face barriers when accessing midsize loans

between \$35,000 and \$200,000, with affordable terms and conditions. With all of the banking industry consolidation, the method by which banks make small business credit decisions has changed to the disadvantage of small or startup businesses. Nonprofit intermediary lenders, including community development corporations, are in a better position to provide financial support to small businesses.

These nonprofit intermediary lenders provide riskier, up front capital to small businesses, with more flexible terms and underwriting procedures. These lenders also offer technical assistance to reduce the transaction costs and risk exposure of banks. The effectiveness of these types of programs has been demonstrated by several Federal programs, including the Microloan Program under the Small Business Act, and the Intermediary Lending Program in the Department of Agriculture. There are more than 1,000 nonprofit intermediaries around the country that are addressing the needs of small businesses by providing financial and technical assistance, leveraging additional capital for borrowers, and creating employment opportunities for low income individuals through their lending and business development activities.

This bill would establish a midsize loan pilot program, providing loans averaging \$150,000 to eligible intermediaries, particularly for startup, newly established, or growing small businesses. The bill would also assess the effectiveness of nonprofit intermediaries, and determine the feasibility of implementing a midsize loan program nationwide.

I hope my colleagues will join me to support this initiative.

#### HONORING JUDGE SOLOMON CASSEB, JR., ON HIS 90TH BIRTHDAY

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2005*

Mr. GONZALEZ. Mr. Speaker, I rise today to honor a jurist of distinction and a good friend, Judge Solomon Casseb Jr. on the occasion of his 90th birthday. He has been a pillar of the Texas legal community for over half a century and God willing will continue to wield his expertise and knowledge in the years to come for the betterment of our State. This San Antonio native has been pivotal in the affairs of our city but also throughout South Texas.

During his long and distinguished career, Judge Casseb has served as judge of the 57th District Court in Bexar County for two terms, as Presiding Judge for the Fourth Administrative District and he now serves as a Senior District Judge of Texas. He presided over a critical phase of the Pennzoil versus Texaco case which led to the largest jury award in American judicial history.

Judge Casseb's hard work and dedication have been recognized and honored by a variety of organizations. In 1961, St. Mary's University named him the Outstanding Ex-Student and in 1968 he was given the St. Thomas More Award which St. Mary's Law School annually awards to a "judge, lawyer, law teacher or layperson who has made exceptional con-

tributions to legal education, the legal profession, or government." Judge Casseb's dedication to jurisprudence and service has earned him his place alongside other luminaries such as Archibald Cox, Alexander Haig, and Leon Jaworski.

The Texas Trial Lawyers Association named him the Outstanding Judge in 1985, and two years later he won the Texas Bar Foundation's Outstanding Jurist Award. In 1991, the University of the Incarnate Word gave Judge Casseb the Insigne Verbum Award and the University of Texas Law School named a Professorship in his honor, the Judge Solomon Casseb Jr. Research Professorship in Law. Finally, the first Joe Frazier Brown Award for Excellence, the San Antonio Bar Association's highest honor was bestowed on Judge Casseb on Law Day in 1994. In fact, this list of awards contains representation from nearly every legal association, society or school in Texas which should convey an idea of the breadth and depth of his contribution to the field of law in our State.

In addition to his myriad legal contributions, Judge Casseb has sought to help those less fortunate than him. He has been pivotal in the administration of the Lamar Bruni Vergara Trust, an organization that has improved the lives of many in Laredo. The Trust he co-administers with JC Martin III supports a wide range of organizations and institutions dedicated to helping the youth of Laredo. The Trust gave the largest philanthropic gift in Laredo history to Texas A&M International University in the form of the Lamar Bruni Vergara Science Center and Planetarium.

On the wondrous occasion of his 90th birthday, I wish many more years of health and good fortune for him and his family and may he continue his service to San Antonio and Texas.

#### COMMEMORATING DR. PHILIP A. GARY FOR HIS OUTSTANDING CONTRIBUTION TO UKIAH HIGH SCHOOL

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2005*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Dr. Philip A. Gary who is retiring in June 2005 after 19 years as principal of Ukiah High School in Ukiah, California and nearly 40 years in education.

Dr. Gary is widely recognized for his dedication to staff, students, parents, community and profession. He has received numerous awards, recognitions and recommendations from students and parents, including Mendocino County's High School Principal Administrator of the Year and California Schoolmasters' Mendocino County Educator of the Year for exemplary commitment to children and leadership in an educational profession.

Dr. Gary brought creative problem solving to many sections of the school curriculum. Under his guidance the state recognized vocational education classes, which developed between industry ties and local businesses for student job placement. Large numbers of Advanced Placement classes were added; a widely lauded Mathematics Engineering Science Achievement (MESA) program increased the

number of college-bound Hispanic students; a Native American counselor and out-reach program were initiated; at-risk student classes and support systems were added and increased; special education student programs were enhanced; gang forum, drug and alcohol prevention programs were instigated; and monies needed to keep athletic, fine arts and performing arts were raised.

Dr. Gary also encouraged programs to support gender equity, as well as ethnic and cultural diversity. And he encouraged professional development and personal creativity among staff members, maintaining the highest standards for the faculty, students and himself.

Mr. Speaker and colleagues, Dr. Gary gained the admiration and respect of all and represents everything that is positive in our public education system. For these reasons and countless others, it is most appropriate that we honor his commitment and service to perhaps our nation's most important resource—educating our youth.

#### TOGO ELECTION STATEMENT

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2005*

MS. CORRINE BROWN of Florida. Mr. Speaker, I am Congresswoman CORRINE BROWN, and have served in the House of Representatives over twelve years. I have observed and monitored elections in areas as diverse as Eastern Europe, Africa, and the Caribbean, and Haiti in particular. In years past, I have traveled to Africa and other parts of the world to monitor living conditions and the status of human rights.

From what I saw, although there was some tension in Lome before and during the election, I witnessed more than anything thousands of calm voters who patiently waited in long lines to vote for the candidate of their choice. Overall, the Togolese seemed very pleased that an American, particularly a Member of Congress, was present during the election.

The election problems I encountered on Election Day were similar to voting problems in the United States. These problems consisted of the following: Very long voting lines, polls not opening on time, electricity (where it existed) going out briefly, and some voters' names not being on the voting rolls (by the way, I found it interesting that the international monitors in Togo told me they would not mention that I was from Florida). I stayed at the polls through the evening when the voting boxes from Lome's polling sites were brought to City Hall for a public count. Many of Togo's citizens, together with international observers and dignitaries, were present for the count which lasted into the night. Although our team stayed in Lome, there were observers stationed throughout the country.

By the next day, the Economic Coalition of West African States (ECOWAS) declared that the election, although not perfect, was generally peaceful and successful. ECOWAS accepted the announced vote tally of 60 percent of the vote for Gnassingbe Essozimna Faure, declaring him the newly elected President of Togo. In addition to meetings and briefings with ECOWAS leaders, I also met with and

worked closely with hundreds of other international Independent Election Monitors.

To me, Togo's Presidential Election of 2005 was an exceptional election because of the unexpected death of Togo's President, who had been in power for thirty-five years. Under his rule, Togo developed a Constitution and a Parliamentary government with a Prime Minister. And, according to the Togolese Constitution, within 60 days of the death of a President, there must be a Presidential election, and Africa's Coalition of Economic Countries (ECOWAS) set the election date for April 24th 2005.

Indeed, Togo's recent Presidential Election was important, not just for Togo, but for all of Africa and for the world. Clearly, each African election is newsworthy as another step towards democratization. I believe that a free, fair and democratic election in Togo was also particularly important, so that post election Togo does not descend into chaos, and destabilize the neighboring African countries with refugees.

Lastly, as a sign of ongoing progress, the elected government and the opposition groups are meeting in Abuja, Nigeria's capitol, to discuss the distribution of power within the new government. Attending the meeting will be the African Union's chairman, Nigeria's President Obasanjo, and Niger's President Tandja, who is currently presiding over ECOWAS. Also in attendance are Faure Gnassingbe, Togo's elected President, representatives of Togo's opposition coalition, led by exiled leader Gilchrist Olympio, defeated presidential candidate Emmanuel Akitani Bob and Harry Olympio, an independent candidate, as well as the leaders of Gabon, Burkina Faso, and the UN Secretary General's representative, Ould Abdallah.

#### PERSONAL EXPLANATION

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2005*

MR. PASTOR. Mr. Speaker, on rollcall No. 210, I was detained in my office. Had I been present, I would have voted "yea."

#### REMARKS REGARDING TRANSPORTATION OF HAZARDOUS MATERIALS

### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2005*

MR. BACHUS. Mr. Speaker, I recently had the opportunity to meet with the senior operating officials of nearly all of the Nation's freight railroads, large and small. What I heard from them, each of them, was their continued commitment to the safe and secure transportation of all goods tendered to them in interstate commerce.

I also heard their concern about being caught in the middle of a political crossfire over the issue of transporting certain hazardous materials through major cities located along their rail lines. They find themselves in this untenable position because of a legal

duty. The common carrier obligation requires them to accept all legal goods for transport. Despite this legal duty and with no regard for the vital role some of these commodities play in protecting the public health and welfare, there are communities like the District of Columbia that are using every resource at their disposal to prevent railroads from going through their towns with these goods; in particular, hazardous materials.

Railroads clearly are the safest means of transporting hazardous materials, with a 99.996 percent safety record. These materials include chlorine to clean your water and propane to heat your homes. The transportation of the most hazardous chemicals represent three-tenths of one percent of the railroads' annual revenue, but well over 50 percent of their insurance premiums. But the railroads are not allowed to get out of the business. And if they did, the transportation of these goods would be much less safe.

That is why I urge my colleagues to oppose local initiatives such as those enacted by the District of Columbia and now being contemplated by other cities, like Cleveland, Philadelphia, Pittsburgh, Baltimore and Atlanta, in trying to prohibit the routing of these goods through their cities. The Constitution vests the Federal Government with the responsibility for regulating interstate commerce (Article I, Section 8). Through (among others) the Federal Railroad Safety Act, the Hazardous Materials Transportation Act, and ICCTA, Congress has given Federal agencies the responsibility to oversee the transportation of hazardous materials in interstate commerce. Further, in the case of DC, the Department of Homeland Security is actively analyzing rail security matters, particularly hazmat transportation (e.g., through the DC Rail Corridor Project's vulnerability assessment, and an analysis of security of hazmats that pose a toxic inhalation hazard).

What the DC Council has done, and what other cities are threatening to do, not only usurps the responsibilities and actions of the Federal Government, but also actually increases the risks of hazmat transportation, by increasing transit time and distance due to re-routing, and by shifting the risk involved with hazmat transport to other areas of the country. Rerouting trains carrying hazardous materials will cause delays, idling of hazmat containers, and switching of containers to other trains. Each handling of hazmat containers raises the risk level. In sum, the re-routing potentially threatens national security, disrupts interstate commerce, and jeopardizes public health.

We should be constantly vigilant about our national security. Thus, we cannot let the misguided efforts of myopic municipalities compromise our Nation's health, economy, safety and security through punitive and ill-advised legislation, such as that passed by the District of Columbia.

#### TRIBUTE TO W. CALVERT "CAL" BRAND

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2005*

MR. PENCE. Mr. Speaker, the State of Indiana lost a pillar of the community last week.